

Justice System Appropriations Bill Senate Study Bill 1324

Last Action:

Joint Subcommittee

March 31, 2009

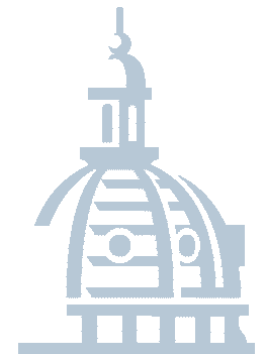
An Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

NOTES ON BILLS AND AMENDMENTS (NOBA)

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EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

SENATE STUDY BILL 1324 JUSTICE SYSTEM APPROPRIATIONS BILL

FUNDING SUMMARY

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS

- Appropriates a total of \$515.4 million from the General Fund and 1,907.6 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is a decrease of \$18.4 million and an increase of 7.5 FTE positions compared to the estimated net FY 2009 General Fund appropriations. The Department of Corrections has 4,504.2 FTE positions that are not limited in this Bill. The FTE positions are included in the State budget system.
- Makes the following significant General Fund changes for FY 2010:
 - **Department of Justice:**
 - **Office of the Attorney General:** A decrease of \$768,000 for a general reduction. (Page 1, Line 7)
 - **Victim Assistance Grants:** An increase of \$2.3 million to provide the minimum match requirements for federal funds. (Page 1, Line 21)
 - **Farm Mediation Program:** A decrease of \$289,000 to eliminate the pilot project.
 - **Office of the Consumer Advocate:** A decrease of \$219,000 for a general reduction. (Page 3, Line 1)
 - **Department of Corrections (DOC):** A decrease of \$10.8 million compared to the estimated net FY 2009 General Fund appropriation. The change includes:
 - A decrease of \$3.3 million to eliminate funds for the operating budget at Farm Three at Fort Madison. (Page 3, Line 21)
 - A decrease of \$966,000 to eliminate funds for the Violator Program at the Newton and Mitchellville prisons and the Violator Aftercare Programs in the First, Third, Sixth, Seventh, and Eighth Community-Based Corrections (CBC) District Departments. (Page 4, Line 16; Page 5, Line 2; Page 9, Line 28; Page 10, Line 4; and Page 10, Lines 23 through 31)
 - A decrease of \$2.0 million to eliminate funds for the operating budget for the Clarinda Lodge. (Page 4, Line 28)
 - A decrease of \$107,000 to the County Confinement Account. (Page 5, Line 10)
 - A decrease of \$238,000 to the DOC Central Office. (Page 5, Line 27)
 - A decrease of \$1.0 million to eliminate funds for a supervisor in each of the CBC District Departments. (Page 9, Line 28 through Page 10, Line 31)
 - A decrease of \$400,000 to the mental health residential facility in Cedar Rapids. Approximately \$900,000 remains in the appropriation to operate the 26-bed facility. (Page 10, Line 23)
 - A decrease of \$50,000 to eliminate funds for a youth intervention program in the Sixth CBC District Department. (Page 10, Line 23)
 - A decrease of \$2.7 million for a general reduction to all appropriations to the DOC. (Page 3, Line 12 through Page 10, Line 31)

EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

SENATE STUDY BILL 1324 JUSTICE SYSTEM APPROPRIATIONS BILL

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS

- ***Iowa Law Enforcement Academy (ILEA)***: A decrease of \$109,000 for a general reduction. (Page 13, Line 27)

- ***Department of Public Safety***: A decrease of \$1.6 million, including:

- A decrease of \$79,000 for a general reduction to Public Safety Administration. (Page 16, Line 8)
- A decrease of \$381,000 for a general reduction to the Division of Criminal Investigation (DCI). (Page 16, Line 13)
- A decrease of \$115,000 for a general reduction to the Division of Narcotics Enforcement. (Page 17, Line 21)
- A decrease of \$72,000 for a general reduction to the Fire Marshal's Office. (Page 17, Line 34)
- A decrease of \$903,000 for a general reduction to the Iowa State Patrol. (Page 18, Line 10)

STUDIES AND INTENT LANGUAGE

- States the intent of the General Assembly to appropriate \$1.0 million from the General Fund in FY 2011 for Victims Assistance Grants. (Page 1, Line 27)
- Requires the Office of the Attorney General to cooperate with the Auditor of State in preparing a report detailing the appropriation of money that is currently reimbursed to the Office of the Attorney General. Requires the Auditor of State to file a report with the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by December 15, 2009. (Page 2, Line 28)
- Requires the DOC to use the John Bennett Facility at Fort Madison as either a prison facility or a CBC facility. (Page 3, Line 25)
- Requires the DOC to operate the Luster Heights Prison Camp at its 88-bed capacity. (Page 3, Line 33)
- Requires the DOC to spend at least \$238,000 on the therapeutic treatment community program at the Anamosa State Penitentiary and \$140,000 on the Dual Diagnosis Program in the First CBC District Department. (Page 4, Line 1 and Page 9, Line 31)
- Requires the DOC to use at least \$300,000 in canteen receipts for the Corrections Education Program. (Page 6, Line 33)
- Eliminates the Chief Security Officer in the DOC Central Office at the end of FY 2011. (Page 9, Line 4)
- Requires the DOC to study the use of paramedics in the prison system and issue a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by January 15, 2010. (Page 9, Line 7)

EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

SENATE STUDY BILL 1324 JUSTICE SYSTEM APPROPRIATIONS BILL

STUDIES AND INTENT LANGUAGE (CONTINUED)

- Requires the DOC to implement a centralized pharmacy during FY 2010 and issue a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by September 1, 2010. (Page 9, Line 13)
- Requires the Fifth CBC District Department to re-instate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility, and maintain and use 199 beds at Building 68/70. (Page 10, Line 14)
- Permits the Iowa Law Enforcement Academy to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 14, Line 7)
- Permits the Iowa Law Enforcement Academy to annually exchange five vehicles returned to the State Fleet Administrator by the Department of Public Safety. (Page 14, Line 13)
- Adds language requiring the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program. (Page 15, Line 31)
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 13)
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 25)
- Authorizes an appropriation of no more than \$200,000 from the Wireless E911 Emergency Communications Fund for FY 2010 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund. (Page 19, Line 35)
- Requires the Department of Administrative Services (DAS) and the agencies that receive an appropriation in this Bill to pursue a goal of 14 employees per supervisor by December 31, 2009. (Page 21, Line 9)

SIGNIFICANT CHANGES TO THE CODE OF IOWA

- Permits the Iowa Law Enforcement Academy to charge Academy attendees more than half the cost of providing the basic training course, subject to Council approval. This change is repealed on June 30, 2010. (Page 20, Line 11)
- Increases the expenditure cap on the Consumer Education and Litigation Fund by \$800,000 for the period FY 2009 through FY 2011. Permits moneys in the Fund to be used to cash flow the Victim Compensation Fund. This Section is repealed at the end of FY 2011. (Page 20, Line 32)
- Permits the Office of the State Public Defender to contract with private attorneys for a set rate. (Page 21, Line 14 through Page 22, Line 5)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE STUDY BILL 1324
JUSTICE SYSTEM APPROPRIATIONS BILL**

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

**RETROACTIVE AND EFFECTIVE
DATES**

- Permits the Civil Rights Commission to provide farm mediation. (Page 22, Line 6)
- Permits certain documents to be filed electronically with the Civil Rights Commission. (Page 22, Line 11)
- Increases the cap on the use of inmate labor from \$25,000 per project to \$50,000 per project. (Page 22, Line 17)
- Permits the Office of the Attorney General to establish the reimbursement rates for medical care for payments from the Victim Compensation Fund. If a provider accepts the established rate, no further financial claims may be made against the victims. (Page 22, Line 24)
- The Section that increases the expenditure cap on the Consumer Education and Litigation Fund and permits moneys in the Fund to be used to cash flow the Victim Compensation Fund takes effect April 1, 2009, and is effective on enactment. (Page 22, Line 33)
- This Bill is effective July 1, 2009.

LSB1005S provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
7	23	4.1(b)	Nwthstnd	Sec. 8.33	Nonreversion of Appropriation for Inmate Education Program
11	23	6	Nwthstnd	Sec. 8.39	Reallocation of Appropriations within the DOC and CBC District Departments
18	33	14.8	Nwthstnd	Sec. 8.33	Nonreversion of Volunteer Fire Fighter Training Funds
19	3	14.8	Nwthstnd	Sec. 8.39	Reallocation of Department of Public Safety Appropriations
20	11	18	Nwthstnd	Sec. 80B.11B	Law Enforcement Academy Fees
20	32	21	Nwthstnd	Sec. 714.16C	Consumer Education and Litigation Fund
21	14	23	Amends	Sec. 13B.4(2)	State Public Defender - Contracts With Private Attorneys
21	35	24	Amends	Sec. 13B.4(4)(c)(2)(d)	State Public Defender - Contracts With Private Attorneys
22	6	25	Adds	Sec. 216.5(16)	Civil Rights Commission - Farm Mediation
22	11	26	Adds	Sec. 216.15(4A)	Civil Rights Commission - Electronic Filings
22	17	27	Amends	Sec. 904.315	Cap on Inmate Labor
22	24	28	Adds	Sec. 915.86(1)(a) and (b)	Victim Compensation Fund Reimbursements

1 1 Section 1. DEPARTMENT OF JUSTICE.
 1 2 1. There is appropriated from the general fund of the
 1 3 state to the department of justice for the fiscal year
 1 4 beginning July 1, 2009, and ending June 30, 2010, the
 1 5 following amounts, or so much thereof as is necessary, to be
 1 6 used for the purposes designated:

1 7 a. For the general office of attorney general for
 1 8 salaries, support, maintenance, and miscellaneous purposes,
 1 9 including the prosecuting attorneys training program, victim
 1 10 assistance grants, office of drug control policy (ODCP)
 1 11 prosecuting attorney program, and odometer fraud enforcement,
 1 12 and for not more than the following full-time equivalent
 1 13 positions:
 1 14 \$ 8,592,145
 1 15 FTEs 232.50

1 16 It is the intent of the general assembly that as a
 1 17 condition of receiving the appropriation provided in this
 1 18 lettered paragraph, the department of justice shall maintain a
 1 19 record of the estimated time incurred representing each agency
 1 20 or department.

1 21 b. For victim assistance grants:
 1 22 \$ 2,400,000

General Fund appropriation to the Department of Justice for the Office of the Attorney General, Prosecuting Attorney Training Program, Victim Assistance Grants, Office of Drug Control Policy, Office of Drug Control Policy Prosecuting Attorney Training Program, and Odometer Fraud Enforcement.

DETAIL: This is a decrease of \$767,546 and an increase of 6.00 FTE positions compared to the estimated net FY 2009 appropriation. The change includes:

- A general reduction of \$767,546.
- An increase of 6.00 FTE positions to convert county positions to State positions as part of the federal requirements of the Child Support Collections Unit.

Specifies that it is the intent of the General Assembly that the Department of Justice maintain a record of the estimated time incurred to represent each agency or department.

General Fund appropriation to the Department of Justice for the Victim Assistance Grants Program.

DETAIL: This is an increase of \$2,252,250 compared to the estimated net FY 2009 appropriation. This amount meets the minimum match requirements to draw down approximately \$9,600,000 in federal funds. The Crime Victim Assistance Division will receive funds from the U.S. Department of Justice for Victim of Crime Act (VOCA) funds and Violence Against Women Act (VAWA)

	funds, plus Family Violence Prevention and Services Act funds through the U.S. Department of Health and Human Services.
<p>1 23 The funds appropriated in this lettered paragraph shall be 1 24 used to provide grants to care providers providing services to 1 25 crime victims of domestic abuse or to crime victims of rape 1 26 and sexual assault.</p>	Requires Victim Assistance funds to be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault.
<p>1 27 It is the intent of the general assembly to appropriate 1 28 from the general fund of the state to the department of 1 29 justice for victim assistance grants the following amount: 1 30 \$1,000,000 for the fiscal year beginning July 1, 2010, and 1 31 ending June 30, 2011.</p>	States the intent of the General Assembly to make a General Fund appropriation of \$1,000,000 to the Department of Justice for Victim Assistance Grants in FY 2011.
<p>1 32 The balance of the victim compensation fund established in 1 33 section 915.94 may be used to provide salary and support of 1 34 not more than 22 FTEs and to provide maintenance for the 1 35 victim compensation functions of the department of justice.</p>	<p>Permits 22.00 FTE positions to be funded from the Victim Compensation Fund to administer the victim compensation functions of the Department of Justice.</p> <p>DETAIL: Maintains the current level of FTE positions funded from the Victim Compensation Fund. Of the total FTE positions, 20.00 FTE positions are assigned to the Crime Victim Assistance Division and 2.00 FTE positions are assigned to the Office of the Attorney General, Area Prosecutions Division.</p>
<p>2 1 The department of justice may transfer moneys from the 2 2 victim compensation fund established in section 915.94 to the 2 3 victim assistance grant program.</p>	Permits the Department of Justice to transfer funds from the Victim Compensation Fund to the Victim Assistance Grants Program in FY 2010.
<p>2 4 c. For legal services for persons in poverty grants as 2 5 provided in section 13.34: 2 6 \$ 1,954,634</p>	<p>General Fund appropriation to the Department of Justice for the Legal Services Poverty Grants Program.</p> <p>DETAIL: This is a decrease of \$15,366 compared to the estimated net FY 2009 appropriation for a general reduction.</p>

2 7 2. a. The department of justice, in submitting budget
 2 8 estimates for the fiscal year commencing July 1, 2010,
 2 9 pursuant to section 8.23, shall include a report of funding
 2 10 from sources other than amounts appropriated directly from the
 2 11 general fund of the state to the department of justice or to
 2 12 the office of consumer advocate. These funding sources shall
 2 13 include but are not limited to reimbursements from other state
 2 14 agencies, commissions, boards, or similar entities, and
 2 15 reimbursements from special funds or internal accounts within
 2 16 the department of justice. The department of justice shall
 2 17 also report actual reimbursements for the fiscal year
 2 18 commencing July 1, 2008, and actual and expected
 2 19 reimbursements for the fiscal year commencing July 1, 2009.

Requires the Department of Justice, in submitting FY 2011 budget estimates, to submit a report to the Department of Management (DOM) that specifies the amount of funding from all sources other than the General Fund. The report is to include actual reimbursements from other fund accounts for FY 2009 and FY 2010.

2 20 b. The department of justice shall include the report
 2 21 required under paragraph "a", as well as information regarding
 2 22 any revisions occurring as a result of reimbursements actually
 2 23 received or expected at a later date, in a report to the co=
 2 24 chairpersons and ranking members of the joint appropriations
 2 25 subcommittee on the justice system and the legislative
 2 26 services agency. The department of justice shall submit the
 2 27 report on or before January 15, 2010.

Requires the Department of Justice to submit a report that specifies the amount of funding from all sources other than the General Fund and any revisions that occur as a result of actual reimbursements. The report is to be submitted to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by January 15, 2010.

2 28 c. The department shall cooperate with the auditor of
 2 29 state in preparing a report detailing recommendations for
 2 30 reimbursement moneys, including recommendations for
 2 31 appropriating such reimbursement moneys. The auditor of state
 2 32 shall provide the report to the co=chairpersons and ranking
 2 33 members of the joint appropriations subcommittee on the
 2 34 justice system, the legislative services agency, and the
 2 35 department of management by December 15, 2009.

Requires the Department of Justice to cooperate with the Auditor of State in preparing a report detailing the appropriation of money that is currently reimbursed to the Office of the Attorney General. Requires the Auditor of State to provide the report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee, the Legislative Services Agency (LSA), and the Department of Management (DOM) by December 15, 2009.

3 1 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 3 2 appropriated from the general fund of the state to the office
 3 3 of consumer advocate of the department of justice for the

General Fund appropriation to the Department of Justice for the Office of the Consumer Advocate.

DETAIL: This is a decrease of \$218,943 and no change in FTE

3 4 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 3 5 the following amount, or so much thereof as is necessary, to
 3 6 be used for the purposes designated:
 3 7 For salaries, support, maintenance, miscellaneous purposes,
 3 8 and for not more than the following full-time equivalent
 3 9 positions:
 3 10 \$ 2,809,606
 3 11 FTEs 27.00

positions compared to the estimated net FY 2009 appropriation for a general reduction.

FISCAL IMPACT: The cost of the Office of the Consumer Advocate's operations is reimbursed from fees charged to the utility industry and are deposited in the General Fund. At the end of the fiscal year, the total of all fees will equal the Office's General Fund appropriation. A reduction to the General Fund appropriation reduces the Office's expenses and therefore, the fees charged to the utility industry are reduced. The appropriation reduction in this Bill will reduce General Fund receipts by \$218,943.

NOTE: Section 475A.6, Code of Iowa, permits the Office of the Consumer Advocate to exceed the appropriation in performance of the Advocate's duties, as long as pre-authorization is provided by the Department of Management. This Section also requires the Office to bill utility companies and deposit those payments in the General Fund.

3 12 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.
 3 13 1. There is appropriated from the general fund of the
 3 14 state to the department of corrections for the fiscal year
 3 15 beginning July 1, 2009, and ending June 30, 2010, the
 3 16 following amounts, or so much thereof as is necessary, to be
 3 17 used for the purposes designated:
 3 18 For the operation of adult correctional institutions,
 3 19 reimbursement of counties for certain confinement costs, and
 3 20 federal prison reimbursement, to be allocated as follows:

3 21 a. For the operation of the Fort Madison correctional
 3 22 facility, including salaries, support, maintenance, and
 3 23 miscellaneous purposes:
 3 24 \$ 41,114,692

General Fund appropriation to the DOC for the Iowa State Penitentiary at Fort Madison.

DETAIL: This is a decrease of \$3,623,216 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$3,300,000 to eliminate funds for Farm Three, a 100-bed minimum security unit.
- A decrease of \$323,216 for a general reduction.

3 25 As a condition of receiving an appropriation in this
 3 26 lettered paragraph, the department of corrections shall
 3 27 operate the John Bennett facility either as an institution of
 3 28 the department or a community-based correctional facility.

Requires the DOC to operate the John Bennett Facility as either a prison or a CBC facility.

DETAIL: The John Bennett Facility is a 152-bed medium security facility attached to the exterior wall of the Iowa State Penitentiary at Fort Madison.

3 29 b. For the operation of the Anamosa correctional facility,
 3 30 including salaries, support, maintenance, and miscellaneous
 3 31 purposes:
 3 32 \$ 31,413,895

General Fund appropriation to the DOC for the Anamosa State Penitentiary.

DETAIL: This is a decrease of \$134,194 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$246,075 for a general reduction.
- An increase of \$111,881 to transfer a cook and a nurse from the Iowa Medical Classification Center at Oakdale.

3 33 It is the intent of the general assembly that the
 3 34 department of corrections fully operate the Luster Heights
 3 35 facility at the facility's 88-bed capacity.

States legislative intent that the DOC operate the Luster Heights Prison Camp at full capacity.

DETAIL: The Luster Heights Prison Camp is an 88-bed minimum security facility located in the Yellow River Forest State Park.

4 1 As a condition of the funds appropriated in this lettered
 4 2 paragraph, the department of corrections shall replace expired
 4 3 federal funding by expending at least \$238,252 for
 4 4 continuation of a treatment program that prepares offenders
 4 5 for on-going therapeutic treatment programs offered by the
 4 6 department and maintaining at least 4.75 full-time equivalent
 4 7 positions for the program.

Requires the DOC to spend at least \$238,252 to maintain therapeutic treatment programs.

4 8 Moneys are provided within this appropriation for one full-
 4 9 time substance abuse counselor for the Luster Heights facility
 4 10 for the purpose of certification of a substance abuse program
 4 11 at that facility.

Specifies that funds be provided for one substance abuse counselor at the Luster Heights Prison Camp.

4 12 c. For the operation of the Oakdale correctional facility,
 4 13 including salaries, support, maintenance, and miscellaneous
 4 14 purposes:
 4 15 \$ 58,646,095

General Fund appropriation to the DOC for the Iowa Medical Classification Center at Oakdale.

DETAIL: This is a decrease of \$573,796 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$461,915 for a general reduction.
- A decrease of \$111,881 to transfer a cook and a nurse to the Anamosa State Penitentiary.

4 16 d. For the operation of the Newton correctional facility,
 4 17 including salaries, support, maintenance, and miscellaneous
 4 18 purposes:
 4 19 \$ 28,033,393

General Fund appropriation to the DOC for the Newton Correctional Facility.

DETAIL: This is a decrease of \$339,379 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$220,379 for a general reduction.
- A decrease of \$119,000 to eliminate funds for the Violator Program.

4 20 e. For the operation of the Mt. Pleasant correctional
 4 21 facility, including salaries, support, maintenance, and
 4 22 miscellaneous purposes:
 4 23 \$ 27,216,182

General Fund appropriation to the DOC for the Mount Pleasant Correctional Facility.

DETAIL: This is a decrease of \$213,955 compared to the estimated net FY 2009 appropriation for a general reduction.

4 24 f. For the operation of the Rockwell City correctional
 4 25 facility, including salaries, support, maintenance, and
 4 26 miscellaneous purposes:
 4 27 \$ 9,392,186

General Fund appropriation to the DOC for the North Central Correctional Facility at Rockwell City.

DETAIL: This is a decrease of \$73,835 compared to the estimated net FY 2009 appropriation for a general reduction.

4 28 g. For the operation of the Clarinda correctional
 4 29 facility, including salaries, support, maintenance, and
 4 30 miscellaneous purposes:
 4 31 \$ 23,421,051

General Fund appropriation to the DOC for the Clarinda Correctional Facility.

DETAIL: This is a decrease of \$2,105,307 compared to the estimated

		net FY 2009 appropriation. The change includes:
		<ul style="list-style-type: none"> • A decrease of \$2,000,000 to eliminate funds for the 225-bed minimum-security Lodge. • A decrease of \$183,506 for a general reduction. • An increase of \$78,199 to transfer a counselor from the Fort Dodge Correctional Facility.
4 32	Moneys received by the department of corrections as	Appropriates reimbursements from the Clarinda Youth Academy to
4 33	reimbursement for services provided to the Clarinda youth	the DOC for operating costs associated with the Clarinda Correctional
4 34	corporation are appropriated to the department and shall be	Facility.
4 35	used for the purpose of operating the Clarinda correctional	
5 1	facility.	DETAIL: The Clarinda Youth Academy's annual reimbursement to the
		prison is approximately \$1,000,000.
5 2	h. For the operation of the Mitchellville correctional	General Fund appropriation to the DOC for the Iowa Correctional
5 3	facility, including salaries, support, maintenance, and	Institution for Women at Mitchellville.
5 4	miscellaneous purposes:	
5 5 \$ 15,836,794	DETAIL: This is a decrease of \$289,498 compared to the estimated
		net FY 2009 appropriation. The change includes:
		<ul style="list-style-type: none"> • A decrease of \$165,000 to eliminate funds for the Violator Program. • A decrease of \$124,498 for a general reduction.
5 6	i. For the operation of the Fort Dodge correctional	General Fund appropriation to the DOC for the Fort Dodge
5 7	facility, including salaries, support, maintenance, and	Correctional Facility.
5 8	miscellaneous purposes:	
5 9 \$ 29,999,036	DETAIL: This is a decrease of \$314,645 compared to the estimated
		net FY 2009 appropriation. The change includes:
		<ul style="list-style-type: none"> • A decrease of \$236,446 for a general reduction. • A decrease of \$78,199 to transfer a counselor to the Clarinda Correctional Facility.
5 10	j. For reimbursement of counties for temporary confinement	General Fund appropriation to the DOC for the County Confinement

5 11 of work release and parole violators, as provided in sections	Account to pay for holding alleged parole and work release violators
5 12 901.7, 904.908, and 906.17, and for offenders confined	until their revocation hearings.
5 13 pursuant to section 904.513:	
5 14 \$ 861,213	DETAIL: This is a decrease of \$106,770 compared to the estimated net FY 2009 appropriation for a general reduction.
5 15 k. For federal prison reimbursement, reimbursements for	General Fund appropriation to the DOC to reimburse the federal
5 16 out-of-state placements, and miscellaneous contracts:	Bureau of Prisons for confining Iowa inmates and to pay
5 17 \$ 239,411	miscellaneous contracts.
	DETAIL: This is a decrease of \$1,882 compared to the estimated net FY 2009 appropriation for a general reduction.
5 18 2. The department of corrections shall use funds	Requires the DOC to contract with a Muslim imam to provide religious
5 19 appropriated in subsection 1 to continue to contract for the	services and religious counseling.
5 20 services of a Muslim imam.	
	DETAIL: This contract is required pursuant to a federal court order.
5 21 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.	
5 22 1. There is appropriated from the general fund of the	
5 23 state to the department of corrections for the fiscal year	
5 24 beginning July 1, 2009, and ending June 30, 2010, the	
5 25 following amounts, or so much thereof as is necessary, to be	
5 26 used for the purposes designated:	
5 27 a. For general administration, including salaries,	General Fund appropriation to the DOC for the Central Office.
5 28 support, maintenance, employment of an education director to	
5 29 administer a centralized education program for the	DETAIL: This is a decrease of \$237,813 compared to the estimated
5 30 correctional system, and miscellaneous purposes:	net FY 2009 appropriation for a general reduction.
5 31 \$ 4,810,048	
5 32 (1) It is the intent of the general assembly that as a	Specifies it is the intent of the General Assembly that, as a condition
5 33 condition of receiving the appropriation provided in this	of receiving appropriated funds, the DOC not enter into a new contract
5 34 lettered paragraph the department of corrections shall not,	in excess of \$100,000 for privatized services during FY 2010 without
5 35 except as otherwise provided in subparagraph (3), enter into a	prior notification of the Chairpersons and Ranking Members of the

6 1 new contract, unless the contract is a renewal of an existing
 6 2 contract, for the expenditure of moneys in excess of \$100,000
 6 3 during the fiscal year beginning July 1, 2009, for the
 6 4 privatization of services performed by the department using
 6 5 state employees as of July 1, 2009, or for the privatization
 6 6 of new services by the department without prior consultation
 6 7 with any applicable state employee organization affected by
 6 8 the proposed new contract and prior notification of the co=
 6 9 chairpersons and ranking members of the joint appropriations
 6 10 subcommittee on the justice system.

Justice System Appropriations Subcommittee, and without prior consultation with any affected employee organization. Existing contracts may be renewed without notification.

6 11 (2) It is the intent of the general assembly that each
 6 12 lease negotiated by the department of corrections with a
 6 13 private corporation for the purpose of providing private
 6 14 industry employment of inmates in a correctional institution
 6 15 shall prohibit the private corporation from utilizing inmate
 6 16 labor for partisan political purposes for any person seeking
 6 17 election to public office in this state and that a violation
 6 18 of this requirement shall result in a termination of the lease
 6 19 agreement.

Specifies that it is the intent of the General Assembly that the DOC prohibit the use of inmate labor for partisan political activities within Iowa when contracting for inmate workers to be employed by a private business. Violation of these contract terms will result in termination of the contract.

6 20 (3) It is the intent of the general assembly that as a
 6 21 condition of receiving the appropriation provided in this
 6 22 lettered paragraph the department of corrections shall not
 6 23 enter into a lease or contractual agreement pursuant to
 6 24 section 904.809 with a private corporation for the use of
 6 25 building space for the purpose of providing inmate employment
 6 26 without providing that the terms of the lease or contract
 6 27 establish safeguards to restrict, to the greatest extent
 6 28 feasible, access by inmates working for the private
 6 29 corporation to personal identifying information of citizens.

Specifies that it is the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC, when contracting with a private business for inmate employment, must restrict inmates' access to citizens' personal identifying information.

6 30 b. For educational programs for inmates at state penal
 6 31 institutions:
 6 32 \$ 1,558,109

General Fund appropriation to the DOC for the educational programs for inmates.

DETAIL: This is a decrease of \$12,249 compared to the estimated

net FY 2009 appropriation for a general reduction.

6 33 As a condition of receiving the appropriation in this
6 34 lettered paragraph, the department of corrections shall
6 35 transfer at least \$300,000 from the canteen operating funds
7 1 established pursuant to section 904.310 to be used for
7 2 correctional educational programs funded in this lettered
7 3 paragraph.

Requires the DOC to transfer at least \$300,000 from Canteen Funds to the Corrections Education Program.

7 4 It is the intent of the general assembly that moneys
7 5 appropriated in this lettered paragraph shall be used solely
7 6 for the purpose indicated and that the moneys shall not be
7 7 transferred for any other purpose. In addition, it is the
7 8 intent of the general assembly that the department shall
7 9 consult with the community colleges in the areas in which the
7 10 institutions are located to utilize moneys appropriated in
7 11 this lettered paragraph to fund the high school completion,
7 12 high school equivalency diploma, adult literacy, and adult
7 13 basic education programs in a manner so as to maintain these
7 14 programs at the institutions.
7 15 To maximize the funding for educational programs, the
7 16 department shall establish guidelines and procedures to
7 17 prioritize the availability of educational and vocational
7 18 training for inmates based upon the goal of facilitating an
7 19 inmate's successful release from the correctional institution.
7 20 The director of the department of corrections may transfer
7 21 moneys from Iowa prison industries for use in educational
7 22 programs for inmates.

Specifies that it is the intent of the General Assembly that these funds be used only for inmate education. Also, requires the DOC to consult with community colleges located within the area of the prisons regarding how to maintain the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs at the Institutions. Requires the DOC to establish guidelines and procedures to prioritize admission to educational and vocational programs to facilitate inmates' successful release from prison. Permits the DOC to transfer funds from the Iowa Prison Industries Revolving Fund for educational programs for inmates.

7 23 Notwithstanding section 8.33, moneys appropriated in this
7 24 lettered paragraph that remain unobligated or unexpended at
7 25 the close of the fiscal year shall not revert but shall remain
7 26 available for expenditure only for the purpose designated in
7 27 this lettered paragraph until the close of the succeeding

CODE: Requires nonreversion of funds for the Inmate Education Program.

7 28 fiscal year.

7 29 c. For the development of the Iowa corrections offender
7 30 network (ICON) data system:

7 31 \$ 424,364

General Fund appropriation to the DOC for the Iowa Corrections Offender Network (ICON).

DETAIL: This is a decrease of \$3,336 compared to the estimated net FY 2009 appropriation for a general reduction.

7 32 d. For offender mental health and substance abuse
7 33 treatment:

7 34 \$ 24,799

General Fund appropriation to the DOC for mental health and substance abuse treatment.

DETAIL: This is a decrease of \$195 compared to the estimated net FY 2009 appropriation for a general reduction.

7 35 e. For viral hepatitis prevention and treatment:

8 1 \$ 186,534

General Fund appropriation to the DOC for viral hepatitis prevention and treatment.

DETAIL: This is a decrease of \$1,466 compared to the estimated net FY 2009 appropriation for a general reduction.

8 2 2. It is the intent of the general assembly that the
8 3 department of corrections shall continue to operate the
8 4 correctional farms under the control of the department at the
8 5 same or greater level of participation and involvement as
8 6 existed as of January 1, 2009; shall not enter into any rental
8 7 agreement or contract concerning any farmland under the
8 8 control of the department that is not subject to a rental
8 9 agreement or contract as of January 1, 2009, without prior
8 10 legislative approval; and shall further attempt to provide job
8 11 opportunities at the farms for inmates. The department shall
8 12 attempt to provide job opportunities at the farms for inmates
8 13 by encouraging labor-intensive farming or gardening where
8 14 appropriate; using inmates to grow produce and meat for
8 15 institutional consumption; researching the possibility of
8 16 instituting food canning and cook-and-chill operations; and
8 17 exploring opportunities for organic farming and gardening,

Specifies that it is the intent of the General Assembly that the DOC continue farm operations at the same or greater level as existed on January 1, 2009. The DOC is prohibited from renting farmland under the control of the DOC that is not currently being rented without legislative approval. The DOC is to provide meaningful job opportunities for inmates employed on the farms.

8 18 livestock ventures, horticulture, and specialized crops.

8 19 3. The department of corrections shall provide a smoking
8 20 cessation program to offenders committed to the custody of the
8 21 director or who are otherwise detained by the department, that
8 22 complies with legislation enacted restricting or prohibiting
8 23 smoking on the grounds of correctional institutions.

Requires the DOC to provide a smoking cessation program to offenders.

8 24 4. As a condition of receiving the appropriations made in
8 25 this section, the department of corrections shall develop and
8 26 implement offender reentry centers in Black Hawk and Polk
8 27 counties to provide transitional planning and release
8 28 primarily for offenders released from the Iowa correctional
8 29 institution for women at Mitchellville and the Fort Dodge
8 30 correctional facility. Programming shall include minority and
8 31 gender-specific responsivity, employment, substance abuse
8 32 treatment, mental health services, housing, and family
8 33 reintegration. The department of corrections shall
8 34 collaborate with the first and fifth judicial district
8 35 departments of correctional services, the Iowa department of
9 1 workforce development, the department of human services,
9 2 community-based providers and faith-based organizations, and
9 3 local law enforcement.

Requires the Department of Corrections to develop and implement re-entry centers in Waterloo and Des Moines. Specifies programming requirements. This Bill includes appropriations to the First and Fifth CBC District Departments for re-entry centers.

9 4 5. The chief security officer position within the
9 5 department of corrections shall be eliminated by June 30,
9 6 2011.

Eliminates the Chief of Security position in the DOC Central Office at the end of FY 2011.

9 7 6. The department of corrections shall study the use of
9 8 paramedics at correctional institutions, and file a report
9 9 with the chairpersons and ranking members of the joint
9 10 appropriations subcommittee on the justice system and the
9 11 legislative services agency, detailing the study by January
9 12 15, 2010.

Requires the DOC to study the use of paramedics in the prison system, and provide a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by January 15, 2010.

9 13 7. The department of corrections shall implement a
 9 14 centralized pharmacy during the fiscal year beginning July 1,
 9 15 2009, and file a report with the chairpersons and ranking
 9 16 members of the joint appropriations subcommittee on the
 9 17 justice system and the legislative services agency. The
 9 18 department shall submit the report by September 1, 2010.

Requires the DOC to implement a centralized pharmacy during FY 2010, and provide a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by September 1, 2010.

DETAIL: The DOC requested that appropriations for pharmacy costs be transferred to the Iowa Medical Classification System at Oakdale in FY 2008, to enable the creation of a centralized pharmacy. The General Assembly transferred the appropriations as requested. The centralized pharmacy has not yet been created.

9 19 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 9 20 SERVICES.

9 21 1. There is appropriated from the general fund of the
 9 22 state to the department of corrections for the fiscal year
 9 23 beginning July 1, 2009, and ending June 30, 2010, for the
 9 24 treatment and supervision of probation and parole violators
 9 25 who have been released from the department of corrections
 9 26 violator program, the following amounts, or so much thereof as
 9 27 is necessary, to be allocated as follows:

9 28 a. For the first judicial district department of
 9 29 correctional services:
 9 30 \$ 12,883,094

General Fund appropriation to the DOC for the First CBC District Department.

DETAIL: This is a decrease of \$417,278 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$191,000 to eliminate funds for the Violator Aftercare Program.
- A decrease of \$101,278 for a general reduction.

9 31 As a condition of the funds appropriated in this lettered

Requires the First CBC District Department to spend at least \$140,000 to maintain the Dual Diagnosis Program.

9 32 paragraph, the department of corrections shall replace expired
 9 33 federal funding by expending at least \$140,000 for the dual
 9 34 diagnosis program and maintaining 1.25 full-time equivalent
 9 35 positions for the program.

10 1 b. For the second judicial district department of
 10 2 correctional services:
 10 3 \$ 10,843,473

General Fund appropriation to the DOC for the Second CBC District Department.

DETAIL: This is a decrease of \$210,244 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$85,244 for a general reduction.

10 4 c. For the third judicial district department of
 10 5 correctional services:
 10 6 \$ 5,718,746

General Fund appropriation to the DOC for the Third CBC District Department.

DETAIL: This is a decrease of \$385,957 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$216,000 to eliminate funds for the Violator Aftercare Program.
- A decrease of \$44,957 for a general reduction.

10 7 d. For the fourth judicial district department of
 10 8 correctional services:
 10 9 \$ 5,436,248

General Fund appropriation to the DOC for the Fourth CBC District Department.

DETAIL: This is a decrease of \$167,736 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$42,736 for a general reduction.

10 10 e. For the fifth judicial district department of
 10 11 correctional services, including funding for electronic
 10 12 monitoring devices for use on a statewide basis:
 10 13 \$ 18,958,665

General Fund appropriation to the DOC for the Fifth CBC District Department.

DETAIL: This is a decrease of \$274,040 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$149,040 for a general reduction.

10 14 As a condition of receiving the appropriation in this
 10 15 lettered paragraph, the fifth judicial district department of
 10 16 correctional services shall reinstate 67 beds in buildings 65
 10 17 and 66 at the fort Des Moines facility and resume operating
 10 18 the buildings, in addition to maintaining the 199 beds in
 10 19 buildings 68 and 70 at the fort Des Moines facility. The
 10 20 district department may use inmate labor to upgrade and
 10 21 renovate the buildings, if renovation and updating are
 10 22 required.

Requires the Fifth CBC District Department to re-instate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility and maintain the use of 199 beds at Building 68/70. Permits the use of inmate labor to renovate the buildings, if renovation is required.

DETAIL: The Fifth CBC District Department has restructured its Fort Des Moines operations. There are 199 beds at Building 68/70 for residential and work release programs. Building 65/66 had 67 beds for the Operating While Intoxicated (OW) licensed substance abuse treatment program. The District Department moved the OWI offenders into Building 68/70 and is no longer using the 67 beds in Building 65/66. In March 2009, there were 267 offenders waiting for a bed at Fort Des Moines. This includes 111 work releasees waiting in prison, 24 federal offenders, two offenders in jail, 18 OWI offenders, six parolees, and 106 probation offenders.

10 23 f. For the sixth judicial district department of
 10 24 correctional services:
 10 25 \$ 13,417,533

General Fund appropriation to the DOC for the Sixth CBC District Department.

DETAIL: This is a decrease of \$855,478 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$50,000 to eliminate funds for a youth intervention program.
- A decrease of \$400,000 to reduce funds for the mental health residential facility. Approximately \$900,000 remains in the FY

		2010 budget to operate this 26-bed facility. • A decrease of \$175,000 to eliminate funds for the Violator Aftercare Program. • A decrease of \$105,478 for a general reduction.
10 26	g. For the seventh judicial district department of	General Fund appropriation to the DOC for the Seventh CBC District Department.
10 27	correctional services:	
10 28 \$ 6,995,044	DETAIL: This is a decrease of \$269,990 compared to the estimated net FY 2009 appropriation. The change includes: • A decrease of \$125,000 to eliminate funds for a supervisor position. • A decrease of \$90,000 to eliminate funds for the Violator Aftercare Program. • A decrease of \$54,990 for a general reduction.
10 29	h. For the eighth judicial district department of	General Fund appropriation to the DOC for the Eighth CBC District Department.
10 30	correctional services:	
10 31 \$ 6,919,964	DETAIL: This is a decrease of \$189,200 compared to the estimated net FY 2009 appropriation. The change includes: • A decrease of \$125,000 to eliminate funds for a supervisor position. • A decrease of \$9,800 to eliminate funds for the Violator Aftercare Program. • A decrease of \$54,400 for a general reduction.
10 32	2. Each judicial district department of correctional	Requires each CBC District Department, within available funding, to
10 33	services, within the funding available, shall continue	continue programs and plans established within the District
10 34	programs and plans established within that district to provide	Department for intensive supervision, sex offender treatment,
10 35	for intensive supervision, sex offender treatment, diversion	diversion of low-risk offenders to the least restrictive sanction
11 1	of low-risk offenders to the least restrictive sanction	available, job development, and expanded use of intermediate
11 2	available, job development, and expanded use of intermediate	sanctions.
11 3	criminal sanctions.	

11 4 3. Each judicial district department of correctional
 11 5 services shall provide alternatives to prison consistent with
 11 6 chapter 901B. The alternatives to prison shall ensure public
 11 7 safety while providing maximum rehabilitation to the offender.
 11 8 A judicial district department of correctional services may
 11 9 also establish a day program.

Requires each CBC District Department to provide alternatives to prison consistent with statute. Permits the District Departments to establish day programs.

11 10 4. The governor's office of drug control policy shall
 11 11 consider federal grants made to the department of corrections
 11 12 for the benefit of each of the eight judicial district
 11 13 departments of correctional services as local government
 11 14 grants, as defined pursuant to federal regulations.

Requires the Office of Drug Control Policy to consider federal grants made to the DOC for the benefit of the CBC District Departments as local government grants rather than State government grants or as defined by federal regulations.

11 15 5. The department of corrections shall continue to
 11 16 contract with a judicial district department of correctional
 11 17 services to provide for the rental of electronic monitoring
 11 18 equipment which shall be available statewide.

Requires the DOC to contract with a CBC District Department for the rental of electronic monitoring equipment.

DETAIL: The DOC contracts with the Fifth CBC District Department for electronic monitoring devices that are available statewide.

11 19 6. A judicial district department of correctional services
 11 20 shall accept into the facilities of the district department,
 11 21 offenders assigned from other judicial district departments of
 11 22 correctional services.

Requires the CBC District Departments to accept the transfer of offenders into residential facilities between CBC District Departments.

11 23 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
 11 24 APPROPRIATIONS. Notwithstanding section 8.39, within the
 11 25 funds appropriated in this Act to the department of
 11 26 corrections, the department may reallocate the funds
 11 27 appropriated and allocated as necessary to best fulfill the
 11 28 needs of the correctional institutions, administration of the
 11 29 department, and the judicial district departments of
 11 30 correctional services. However, in addition to complying with
 11 31 the requirements of sections 904.116 and 905.8 and providing
 11 32 notice to the legislative services agency, the department of
 11 33 corrections shall also provide notice to the department of

CODE: Permits the DOC to reallocate appropriations between the correctional institutions, the Central Office, and CBC District Departments. Requires the DOC to provide notice to the Department of Management and the LSA before reallocating the funds. Prohibits the reallocation of funds to eliminate a program.

11 34 management, prior to the effective date of the revision or
11 35 reallocation of an appropriation made pursuant to this
12 1 section. The department shall not reallocate an appropriation
12 2 or allocation for the purpose of eliminating any program.

12 3 Sec. 7. INTENT == REPORTS.

12 4 1. The department in cooperation with townships, the Iowa
12 5 cemetery associations, and other nonprofit or governmental
12 6 entities may use inmate labor during the fiscal year beginning
12 7 July 1, 2009, to restore or preserve rural cemeteries and
12 8 historical landmarks. The department in cooperation with the
12 9 counties may also use inmate labor to clean up roads, major
12 10 water sources, and other water sources around the state.

Permits the DOC to work with nonprofit and governmental entities to use inmate labor to restore or preserve rural cemeteries or historical landmarks and to clean up roads and water resources.

12 11 2. Each month the department shall provide a status report
12 12 regarding private=sector employment to the legislative
12 13 services agency beginning on July 1, 2009. The report shall
12 14 include the number of offenders employed in the private
12 15 sector, the combined number of hours worked by the offenders,
12 16 and the total amount of allowances, and the distribution of
12 17 allowances pursuant to section 904.702, including any moneys
12 18 deposited in the general fund of the state.

Requires the DOC to provide a monthly status report to the LSA regarding private sector employment of inmates.

12 19 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 20 corrections shall submit a report on electronic monitoring to
12 21 the general assembly, to the co=chairpersons and the ranking
12 22 members of the joint appropriations subcommittee on the
12 23 justice system, and to the legislative services agency by
12 24 January 15, 2010. The report shall specifically address the
12 25 number of persons being electronically monitored and break
12 26 down the number of persons being electronically monitored by
12 27 offense committed. The report shall also include a comparison
12 28 of any data from the prior fiscal year with the current year.

Requires the DOC to submit a report regarding electronic monitoring to the General Assembly, the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by January 15, 2010. Specifies the content of the report.

12 29 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 30 1. As used in this section, unless the context otherwise
 12 31 requires, "state agency" means the government of the state of
 12 32 Iowa, including but not limited to all executive branch
 12 33 departments, agencies, boards, bureaus, and commissions, the
 12 34 judicial branch, the general assembly and all legislative
 12 35 agencies, institutions within the purview of the state board
 13 1 of regents, and any corporation whose primary function is to
 13 2 act as an instrumentality of the state.

13 3 2. State agencies are hereby encouraged to purchase
 13 4 products from Iowa state industries, as defined in section
 13 5 904.802, when purchases are required and the products are
 13 6 available from Iowa state industries. State agencies shall
 13 7 obtain bids from Iowa state industries for purchases of office
 13 8 furniture during the fiscal year beginning July 1, 2009,
 13 9 exceeding \$5,000 or in accordance with applicable
 13 10 administrative rules related to purchases for the agency.

Encourages State agencies to buy products from Iowa Prison Industries whenever possible. Requires State agencies to obtain a bid from Iowa Prison Industries for purchases of office furniture exceeding \$5,000.

13 11 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
 13 12 from the general fund of the state to the office of the state
 13 13 public defender of the department of inspections and appeals
 13 14 for the fiscal year beginning July 1, 2009, and ending June
 13 15 30, 2010, the following amounts, or so much thereof as is
 13 16 necessary, to be allocated as follows for the purposes
 13 17 designated:

13 18 1. For salaries, support, maintenance, miscellaneous
 13 19 purposes, and for not more than the following full-time
 13 20 equivalent positions:

13 21 \$ 21,743,182
 13 22 FTEs 203.00

General Fund appropriation to the Department of Inspections and Appeals for the Office of the State Public Defender.

DETAIL: This is a decrease of \$170,930 and no change in FTE positions compared to the estimated net FY 2009 appropriation for a general reduction.

13 23 2. For the fees of court-appointed attorneys for indigent

General Fund appropriation to the Department of Inspections and

13 24 adults and juveniles, in accordance with section 232.141 and
 13 25 chapter 815:
 13 26 \$ 24,009,163

Appeals for the Indigent Defense Program.

DETAIL: This is a decrease of \$6,356,022 compared to the estimated net FY 2009 appropriation for a general reduction.

13 27 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
 13 28 1. There is appropriated from the general fund of the
 13 29 state to the Iowa law enforcement academy for the fiscal year
 13 30 beginning July 1, 2009, and ending June 30, 2010, the
 13 31 following amount, or so much thereof as is necessary, to be
 13 32 used for the purposes designated:
 13 33 For salaries, support, maintenance, miscellaneous purposes,
 13 34 including jailer training and technical assistance, and for
 13 35 not more than the following full-time equivalent positions:
 14 1 \$ 1,166,033
 14 2 FTEs 29.55

General Fund appropriation to the Iowa Law Enforcement Academy (ILEA).

DETAIL: This is a decrease of \$109,166 and 0.50 FTE position compared to the estimated net FY 2009 appropriation for a general reduction in funding and the reclassification of a full-time secretary to a part-time receptionist.

14 3 It is the intent of the general assembly that the Iowa law
 14 4 enforcement academy may provide training of state and local
 14 5 law enforcement personnel concerning the recognition of and
 14 6 response to persons with Alzheimer's disease.

Specifies the intent of the General Assembly that the Academy may offer training for law enforcement officers in recognizing and responding to persons with Alzheimer's disease.

14 7 The Iowa law enforcement academy may temporarily exceed and
 14 8 draw more than the amount appropriated and incur a negative
 14 9 cash balance as long as there are receivables equal to or
 14 10 greater than the negative balance and the amount appropriated
 14 11 in this subsection is not exceeded at the close of the fiscal
 14 12 year.

Permits the ILEA to incur a negative General Fund balance as long as there are equal receivables coming into the Academy by the close of the fiscal year.

DETAIL: This language is to assist with cash flow issues the Academy faces in the last quarter of the fiscal year.

14 13 2. The Iowa law enforcement academy may select at least
 14 14 five automobiles of the department of public safety, division
 14 15 of state patrol, prior to turning over the automobiles to the
 14 16 department of administrative services to be disposed of by
 14 17 public auction, and the Iowa law enforcement academy may

Permits the Academy to annually exchange at least five vehicles returned to the State Fleet Administrator by the Department of Public Safety for any of the Academy's training vehicles. The vehicles received from the Academy are to be sold at public auction, with the receipts to be deposited in the Depreciation Fund used to purchase

14 18 exchange any automobile owned by the academy for each
 14 19 automobile selected if the selected automobile is used in
 14 20 training law enforcement officers at the academy. However,
 14 21 any automobile exchanged by the academy shall be substituted
 14 22 for the selected vehicle of the department of public safety
 14 23 and sold by public auction with the receipts being deposited
 14 24 in the depreciation fund to the credit of the department of
 14 25 public safety, division of state patrol.

new vehicles for the Department of Public Safety (DPS).

14 26 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 14 27 general fund of the state to the board of parole for the
 14 28 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 14 29 the following amount, or so much thereof as is necessary, to
 14 30 be used for the purposes designated:
 14 31 For salaries, support, maintenance, miscellaneous purposes,
 14 32 and for not more than the following full-time equivalent
 14 33 positions:
 14 34 \$ 1,161,399
 14 35 FTEs 18.50

General Fund appropriation to the Board of Parole.

DETAIL: This is a decrease of \$90,504 and no change in FTE positions compared to the estimated net FY 2009 appropriation for a general reduction.

15 1 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 15 2 appropriated from the general fund of the state to the
 15 3 department of public defense for the fiscal year beginning
 15 4 July 1, 2009, and ending June 30, 2010, the following amounts,
 15 5 or so much thereof as is necessary, to be used for the
 15 6 purposes designated:

15 7 1. MILITARY DIVISION
 15 8 For salaries, support, maintenance, miscellaneous purposes,
 15 9 and for not more than the following full-time equivalent
 15 10 positions:
 15 11 \$ 6,249,201
 15 12 FTEs 313.30

General Fund appropriation to the Military Division of the Department of Public Defense.

DETAIL: This is decrease of \$112,746 and an increase of 6.87 FTE positions compared to the estimated net FY 2009 appropriation for a general reduction in funding and an increase in FTE positions due to the hiring of janitors for the new Readiness Freedom Center at Camp Dodge.

15 13 The military division may temporarily exceed and draw more

Permits the Military Division to incur a negative cash balance as long

15 14 than the amount appropriated and incur a negative cash balance
 15 15 as long as there are receivables of federal funds equal to or
 15 16 greater than the negative balance and the amount appropriated
 15 17 in this subsection is not exceeded at the close of the fiscal
 15 18 year.

as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Military Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 19 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 15 20 For salaries, support, maintenance, miscellaneous purposes,
 15 21 and for not more than the following full-time equivalent
 15 22 positions:
 15 23 \$ 2,038,119
 15 24 FTEs 29.75

General Fund appropriation to the Homeland Security and Emergency Management Division.

DETAIL: This is decrease of \$174,603 and 5.35 FTE positions compared to the estimated net FY 2009 appropriation for the elimination of \$136,454 and 2.00 FTE positions that will be funded from the Rebuild Iowa Office and for a general reduction. In addition, the Homeland Security and Emergency Management Division had a data entry error when it loaded the FY 2010 budget for a federal grant that eliminated an additional 3.25 FTE positions.

15 25 The homeland security and emergency management division may
 15 26 temporarily exceed and draw more than the amount appropriated
 15 27 and incur a negative cash balance as long as there are
 15 28 receivables of federal funds equal to or greater than the
 15 29 negative balance and the amount appropriated in this
 15 30 subsection is not exceeded at the close of the fiscal year.

Permits the Homeland Security and Emergency Management Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Homeland Security and Emergency Management Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 31 It is the intent of the general assembly that the homeland
 15 32 security and emergency management division work in conjunction
 15 33 with the department of public safety, to the extent possible,
 15 34 when gathering and analyzing information related to potential
 15 35 domestic or foreign security threats, and when monitoring such
 16 1 threats.

Specifies the intent of the General Assembly that the Homeland Security and Emergency Management Division work in conjunction with the Department of Public Safety when gathering and analyzing information related to potential domestic and foreign security threats.

16 2 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 16 3 appropriated from the general fund of the state to the
 16 4 department of public safety for the fiscal year beginning July
 16 5 1, 2009, and ending June 30, 2010, the following amounts, or
 16 6 so much thereof as is necessary, to be used for the purposes
 16 7 designated:

16 8 1. For the department's administrative functions,
 16 9 including the criminal justice information system, and for not
 16 10 more than the following full-time equivalent positions:
 16 11 \$ 4,391,190
 16 12 FTEs 39.00

General Fund appropriation to the Department of Public Safety for the Administrative Services Division.

DETAIL: This is decrease of \$79,224 and no change in FTE positions compared to the estimated net FY 2009 appropriation for a general reduction.

16 13 2. For the division of criminal investigation, including
 16 14 the state's contribution to the peace officers' retirement,
 16 15 accident, and disability system provided in chapter 97A in the
 16 16 amount of the state's normal contribution rate, as defined in
 16 17 section 97A.8, multiplied by the salaries for which the funds
 16 18 are appropriated, to meet federal fund matching requirements,
 16 19 and for not more than the following full-time equivalent
 16 20 positions:
 16 21 \$ 21,125,270
 16 22 FTEs 287.50

General Fund appropriation to the Department of Public Safety for the Division of Criminal Investigation (DCI).

DETAIL: This is decrease of \$381,136 compared to the estimated net FY 2009 appropriation for a general reduction and an increase of 1.00 FTE position to reflect the transfer of the Commissioner's Executive Officer position from the Division of Narcotics Enforcement to the DCI.

16 23 If any of the Indian tribes fail to pay for 1.00 FTE
 16 24 pursuant to the agreements or compacts entered into between
 16 25 the state and the Indian tribes pursuant to section 10A.104,

Specifies that if funding for the 1.00 FTE position for a DCI Special Agent to perform Tribal Gaming Inspections is not funded from the Tribal-State Compact, this FTE position will no longer be authorized.

16 26 subsection 10, the number of full-time equivalent positions
 16 27 authorized under this subsection is reduced by 1.00 FTE.

16 28 The department shall employ one additional special agent
 16 29 and one additional criminalist for the purpose of
 16 30 investigating cold cases. Prior to employing the additional
 16 31 special agent and criminalist authorized in this paragraph,
 16 32 the department shall provide a written statement to
 16 33 prospective employees that states to the effect that the
 16 34 positions are being funded by a temporary federal grant and
 16 35 there are no assurances that funds from other sources will be
 17 1 available after the federal funding expires. If the federal
 17 2 funding for the additional positions expires during the fiscal
 17 3 year, the number of full-time equivalent positions authorized
 17 4 in this subsection is reduced by 2.00 FTEs.

Specifies that the Department will employ one Special Agent and one Criminalist to investigate cold cases. However, if federal funds are not received for the 2.00 FTE positions for the Cold Case Unit, the positions are eliminated.

17 5 The department of public safety, with the approval of the
 17 6 department of management, may employ no more than two special
 17 7 agents and four gaming enforcement officers for each
 17 8 additional riverboat or gambling structure regulated after
 17 9 July 1, 2009, and one special agent for each racing facility
 17 10 which becomes operational during the fiscal year which begins
 17 11 July 1, 2009. One additional gaming enforcement officer, up
 17 12 to a total of four per riverboat or gambling structure, may be
 17 13 employed for each riverboat or gambling structure that has
 17 14 extended operations to 24 hours and has not previously
 17 15 operated with a 24-hour schedule. Positions authorized in
 17 16 this paragraph are in addition to the full-time equivalent
 17 17 positions otherwise authorized in this subsection.

Permits the Department of Public Safety to employ a maximum of two special agents and four gaming officers if approved by the Department of Management for new riverboats licensed after July 1, 2009, and for riverboats that have extended operations to 24 hours. Also permits the employment of one special agent for each racing facility that becomes operational during FY 2010.

17 18 3. For the criminalistics laboratory fund created in
 17 19 section 691.9:
 17 20 \$ 335,939

General Fund appropriation for the Criminalistics Laboratory Fund.

DETAIL: This is decrease of \$6,061 compared to the estimated net FY 2009 appropriation for a general reduction.

17 21 4. a. For the division of narcotics enforcement,

General Fund appropriation to the Department of Public Safety for the

17 22 including the state's contribution to the peace officers'	Division of Narcotics Enforcement (DNE).
17 23 retirement, accident, and disability system provided in	
17 24 chapter 97A in the amount of the state's normal contribution	DETAIL: This is decrease of \$115,219 compared to the estimated net
17 25 rate, as defined in section 97A.8, multiplied by the salaries	FY 2009 appropriation for a general reduction and a decrease in 1.00
17 26 for which the funds are appropriated, to meet federal fund	FTE position to reflect the transfer of the Commissioner's Executive
17 27 matching requirements, and for not more than the following	Officer position from the DNE to the Division of Criminal Investigation.
17 28 full=time equivalent positions:	
17 29 \$ 6,386,274	
17 30 FTEs 81.00	
17 31 b. For the division of narcotics enforcement for	General Fund appropriation to the Department of Public Safety for
17 32 undercover purchases:	undercover purchases.
17 33 \$ 121,158	
	DETAIL: This is decrease of \$2,185 compared to the estimated net
	FY 2009 appropriation for a general reduction.
17 34 5. For the division of state fire marshal, for fire	General Fund appropriation to the Department of Public Safety for the
17 35 protection services as provided through the state fire service	State Fire Marshal's Office.
18 1 and emergency response council as created in the department,	
18 2 and for the state's contribution to the peace officers'	DETAIL: This is decrease of \$71,967 and no change in FTE positions
18 3 retirement, accident, and disability system provided in	compared to the estimated net FY 2009 appropriation for a general
18 4 chapter 97A in the amount of the state's normal contribution	reduction.
18 5 rate, as defined in section 97A.8, multiplied by the salaries	
18 6 for which the funds are appropriated, and for not more than	
18 7 the following full=time equivalent positions:	
18 8 \$ 3,988,892	
18 9 FTEs 59.00	
18 10 6. For the division of state patrol, for salaries,	General Fund appropriation to the Iowa State Patrol.
18 11 support, maintenance, workers' compensation costs, and	
18 12 miscellaneous purposes, including the state's contribution to	DETAIL: This is decrease of \$903,315 and no change in FTE
18 13 the peace officers' retirement, accident, and disability	positions compared to the estimated net FY 2009 appropriation for a
18 14 system provided in chapter 97A in the amount of the state's	general reduction.
18 15 normal contribution rate, as defined in section 97A.8,	
18 16 multiplied by the salaries for which the funds are	
18 17 appropriated, and for not more than the following full=time	

18 18 equivalent positions:

18 19 \$ 50,068,094

18 20 FTEs 536.00

18 21 It is the intent of the general assembly that members of
18 22 the state patrol be assigned to patrol the highways and roads
18 23 in lieu of assignments for inspecting school buses for the
18 24 school districts.

Specifies the intent of the General Assembly that the Iowa State Patrol assign education officers to perform school bus inspections rather than having road troopers perform these inspections.

18 25 7. For deposit in the sick leave benefits fund established
18 26 under section 80.42 for all departmental employees eligible to
18 27 receive benefits for accrued sick leave under the collective
18 28 bargaining agreement:

18 29 \$ 310,575

General Fund appropriation to create a non-reversionary fund in the Department of Public Safety to be used for sick leave payout. All sworn officers of the Department are eligible to receive benefits for accrued sick leave under the collective bargaining agreement.

DETAIL: This is a decrease of \$5,604 compared to the estimated net FY 2009 appropriation for a general reduction.

18 30 8. For costs associated with the training and equipment
18 31 needs of volunteer fire fighters:

18 32 \$ 680,421

General Fund appropriation to the Department of Public Safety for Volunteer Fire Fighter Training.

DETAIL: This is decrease of \$12,276 compared to the estimated net FY 2009 appropriation for a general reduction.

18 33 Notwithstanding section 8.33, moneys appropriated in this
18 34 subsection that remain unencumbered or unobligated at the
18 35 close of the fiscal year shall not revert but shall remain
19 1 available for expenditure only for the purpose designated in
19 2 this subsection until the close of the succeeding fiscal year.

CODE: Requires nonreversion of funds for fire fighter training and equipment needs.

19 3 Notwithstanding section 8.39, within the funds appropriated
19 4 in this section the department of public safety may reallocate
19 5 funds as necessary to best fulfill the needs provided for in
19 6 the appropriation. However, the department shall not
19 7 reallocate an appropriation made to the department in this

CODE: Permits funds appropriated to the Department of Public Safety to be allocated as necessary to fulfill appropriation needs within the Department. The Department is not allowed to reallocate an appropriation unless notice is given to the LSA and the DOM prior to the effective date of the reallocation. The Department is not allowed to reallocate the appropriation for the purpose of eliminating a

19 8 section unless notice of the reallocation is given to the
 19 9 legislative services agency and the department of management
 19 10 prior to the effective date of the reallocation. The notice
 19 11 shall include information about the rationale for reallocating
 19 12 the appropriation. The department shall not reallocate an
 19 13 appropriation made in this section for the purpose of
 19 14 eliminating any program.

program.

19 15 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 19 16 from the general fund of the state to the Iowa state civil
 19 17 rights commission for the fiscal year beginning July 1, 2009,
 19 18 and ending June 30, 2010, the following amount, or so much
 19 19 thereof as is necessary, to be used for the purposes
 19 20 designated:
 19 21 For salaries, support, maintenance, miscellaneous purposes,
 19 22 and for not more than the following full-time equivalent
 19 23 positions:
 19 24 \$ 1,533,179
 19 25 FTEs 29.50

General Fund appropriation to the Iowa Civil Rights Commission.

DETAIL: This is a decrease of \$12,053 and an increase of 0.50 FTE position compared to the estimated net FY 2009 appropriation. The change includes:

- A general reduction of \$12,053.
- An increase of 0.50 FTE position to reflect the accrual of time by Drake law school interns.

19 26 The Iowa state civil rights commission may enter into a
 19 27 contract with a nonprofit organization to provide legal
 19 28 assistance to resolve civil rights complaints.

Permits the Commission to enter into a contract with a non-profit organization for legal assistance.

19 29 Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent of
 19 30 the general assembly that the executive branch agencies
 19 31 receiving an appropriation in this Act utilize the Iowa
 19 32 communications network or other electronic communications in
 19 33 lieu of traveling for the fiscal year addressed by the
 19 34 appropriations.

Encourages State agencies that receive an appropriation in this Bill to utilize the Iowa Communications Network in lieu of travel.

19 35 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 20 1 DIVISION. There is appropriated from the wireless E911
 20 2 emergency communications fund created in section 34A.7A to the

Permits continued funding from the Wireless E911 Emergency Communications Fund for the E911 Program Manager in the Homeland Security and Emergency Management Division of the Department of Public Defense through FY 2010.

20 3 administrator of the homeland security and emergency
 20 4 management division of the department of public defense for
 20 5 the fiscal year beginning July 1, 2009, and ending June 30,
 20 6 2010, an amount not exceeding \$200,000 to be used for
 20 7 implementation, support, and maintenance of the functions of
 20 8 the administrator and program manager under chapter 34A and to
 20 9 employ the auditor of the state to perform an annual audit of
 20 10 the wireless E911 emergency communications fund.

DETAIL: The Division receives up to \$200,000 and 2.00 FTE positions for the administration of the wireless E911 service and to employ the State Auditor to perform an annual audit on the Fund.

20 11 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
 20 12 Notwithstanding section 80B.11B, the Iowa law enforcement
 20 13 academy may charge more than one-half the cost of providing
 20 14 the basic training course if a majority of the Iowa law
 20 15 enforcement academy council authorizes charging more than one=
 20 16 half of the cost of providing basic training. This section is
 20 17 repealed on June 30, 2010.

CODE: Permits the Iowa Law Enforcement Academy to charge Academy attendees more than half the cost to provide training if approved by the Law Enforcement Academy Council. This Section is repealed June 30, 2010.

DETAIL: The total cost to attend the Basic Academy in FY 2009 is \$6,589. This is an increase of \$632 (10.6%) compared to FY 2008. Tuition for FY 2009 is \$4,000 (60.7%) of the cost to attend.

20 18 Sec. 19. INTERIM REPORTING == IMPLEMENTATION. The board
 20 19 of parole shall develop and implement the certificate of
 20 20 employability program as provided in section 906.19. The
 20 21 board shall file an interim status report regarding the
 20 22 certificate of employability program development with the
 20 23 general assembly and the legislative services agency by
 20 24 January 1, 2010.

Requires the Board of Parole to develop and implement a Certificate of Employability Program by July 1, 2009 (FY 2010). Requires the Board to file an interim status report with the General Assembly and the LSA by January 1, 2010.

20 25 Sec. 20. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT
 20 26 OF HUMAN SERVICES. Upon completion of the central warehouse
 20 27 and supply depot of the department of corrections established
 20 28 pursuant to section 904.118A, the department of human services
 20 29 shall cease utilizing the central warehouse and supply depot
 20 30 of the department of human services established pursuant to
 20 31 section 218.100.

Requires the Department of Human Services to use the DOC Central Warehouse once it becomes operational rather than the Woodward Warehouse established in Section 218.100, Code of Iowa.

20 32 Sec. 21. CONSUMER EDUCATION AND LITIGATION FUND.

CODE: Increases the expenditure cap on the Consumer Education

20 33 Notwithstanding section 714.16C, for each fiscal year of the
20 34 period beginning July 1, 2008, and ending June 30, 2011, the
20 35 annual appropriations in section 714.16C, are increased from
21 1 \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000
21 2 respectively. Moneys appropriated from the consumer education
21 3 and litigation fund may be allocated for cash flow purposes to
21 4 the victim compensation fund established in section 915.94
21 5 during each of the fiscal years enumerated, provided that any
21 6 moneys so allocated are returned to the consumer education and
21 7 litigation fund by the end of each fiscal year an allocation
21 8 occurs.

and Litigation Fund by \$800,000 for the period FY 2009 through FY 2011. Permits moneys in the Consumer Education and Litigation Fund to be used for cash flow purposes of the Victim Compensation Fund. This Section takes effect April 1, 2009, and is repealed June 30, 2011.

21 9 Sec. 22. SUPERVISOR AND EMPLOYEE RATIO. The department of
21 10 administrative services and the executive branch agencies
21 11 receiving appropriations in this Act shall pursue a goal of
21 12 achieving a ratio of fourteen employees per supervisor in such
21 13 agencies, by December 31, 2009.

Requires the Department of Administrative Services and the State agencies receiving funds in this Bill to pursue a goal of 14 employees per supervisor by December 31, 2009.

21 14 Sec. 23. Section 13B.4, subsection 2, Code 2009, is
21 15 amended to read as follows:
21 16 2. The state public defender shall file a notice with the
21 17 clerk of the district court in each county served by a public
21 18 defender designating which public defender office shall
21 19 receive notice of appointment of cases. The state public
21 20 defender may also ~~designate~~ enter into a contract with a
21 21 nonprofit organization which has a contract with the state
21 22 public defender to or an attorney, designating that the
21 23 nonprofit organization or attorney provide legal services to
21 24 eligible indigent persons as the state public defender's
21 25 designee . In each county in which the state public defender
21 26 files a designation, the state public defender's designee
21 27 shall be appointed by the court to represent all eligible
21 28 persons or to serve as guardian ad litem for eligible children
21 29 in juvenile court in all cases and proceedings specified in
21 30 the designation. The appointment shall not be made if the
21 31 state public defender or the state public defender's designee

CODE: Permits the Office of the State Public Defender to contract with private attorneys for a set rate.

21 32 notifies the court that the state public defender's designee
21 33 will not provide services in certain cases as identified in
21 34 the designation by the state public defender.

21 35 Sec. 24. Section 13B.4, subsection 4, paragraph c,
22 1 subparagraph (2), subparagraph division (d), Code 2009, is
22 2 amended to read as follows:
22 3 (d) If the claimant was appointed contrary to section
22 4 814.11 or 815.10 , or the claimant failed to comply with
22 5 section 814.11, subsection 6, or section 815.10, subsection 5.

CODE: Permits the Office of the State Public Defender to contract with private attorneys for a set rate.

22 6 Sec. 25. Section 216.5, Code 2009, is amended by adding
22 7 the following new subsection:
22 8 NEW SUBSECTION . 16. To provide farm mediation services in
22 9 disputes other than disputes involving allegations of unfair
22 10 or discriminatory practices.

CODE: Permits the Civil Rights Commission to provide farm mediation.

22 11 Sec. 26. Section 216.15, Code 2009, is amended by adding
22 12 the following new subsection:
22 13 NEW SUBSECTION . 4A. The commission may permit, but shall
22 14 not require, the complaint, responses to complaints,
22 15 documents, or other materials filed with the commission to be
22 16 electronically filed.

CODE: Permits certain documents to be filed electronically with the Civil Rights Commission.

22 17 Sec. 27. Section 904.315, unnumbered paragraph 2, Code
22 18 2009, is amended to read as follows:
22 19 A contract is not required for improvements at a state
22 20 institution where the labor of inmates is to be used if the
22 21 contract is not for a construction, reconstruction,
22 22 demolition, or repair project or improvement with an estimated
22 23 cost in excess of ~~twenty-five~~ fifty thousand dollars.

CODE: Increases the dollar value cap on the use of inmate labor from \$25,000 per project to \$50,000 per project.

22 24 Sec. 28. Section 915.86, subsection 1, Code 2009, is
22 25 amended by adding the following new paragraphs:

CODE: Permits the Office of the Attorney General to establish the reimbursement rates for medical care for payments from the Victim

22 26 NEW PARAGRAPH . a. The department shall establish the
 22 27 rates at which it will pay charges for medical care.
 22 28 NEW PARAGRAPH . b. If the department awards compensation,
 22 29 in full, at the established rate for medical care, and the
 22 30 medical provider accepts the payment, the medical provider
 22 31 shall hold harmless the victim for any amount not collected
 22 32 that is more than the rate established by the department.

Compensation Fund. If a provider accepts the established rate, no further financial claims are made against the victims.

22 33 Sec. 29. EFFECTIVE DATE. The section of this Act
 22 34 increasing appropriations pursuant to section 714.16C, being
 22 35 deemed of immediate importance, takes effect upon enactment
 23 1 and applies retroactively to April 1, 2009.

States the language that increases the cap on the Consumer Education and Litigation Fund, and permits the Fund to cash flow expenditures of the Victim Compensation Fund, takes effect April 1, 2009.

DETAIL: This language is repealed at the end of FY 2011.

23 2 EXPLANATION

23 3 This bill makes appropriations from the general fund of the
 23 4 state for fiscal year 2009=2010 to the departments of justice,
 23 5 corrections, public defense, and public safety, and the Iowa
 23 6 law enforcement academy, office of consumer advocate, office
 23 7 of the state public defender, board of parole, and Iowa state
 23 8 civil rights commission.

23 9 The bill allows the department of justice to transfer
 23 10 moneys from the victim compensation fund to the victim
 23 11 assistance grant program.

23 12 The bill permits the department of justice to establish the
 23 13 rates at which the department awards compensation for medical
 23 14 care expenses from the victim compensation fund. Under the
 23 15 bill, if the department of justice awards compensation, in
 23 16 full, and the medical provider accepts the payment, the
 23 17 medical care provider shall hold harmless the victim for any
 23 18 amount not collected that is more than the rate established by
 23 19 the department.

23 20 For the fiscal period beginning July 1, 2008, and ending
 23 21 June 30, 2011, the bill increases the annual appropriations
 23 22 from the consumer education and litigation fund in Code

23 23 section 714.16C, to the department of justice. The bill
23 24 permits the moneys appropriated from the consumer education
23 25 and litigation fund to be allocated to the victim compensation
23 26 fund for cash flow purposes, if the moneys so allocated are
23 27 returned to the consumer and education litigation fund by the
23 28 end of each fiscal year an allocation occurs. The provision
23 29 takes effect upon enactment and applies retroactively to April
23 30 1, 2009.

23 31 The bill requires the department of justice to cooperate
23 32 with the auditor of state in preparing a report detailing
23 33 reimbursement moneys received by the department for services
23 34 performed on behalf of state agencies.

23 35 The bill requires the department of corrections to operate
24 1 the John Bennett facility either as an institution of the
24 2 department or a community-based correctional facility.

24 3 The bill eliminates the chief security officer position
24 4 within the department of corrections by June 30, 2011.

24 5 The bill requires the department of corrections to study
24 6 the use of paramedics at correctional institutions, and file a
24 7 report with the ranking members of the joint appropriations
24 8 subcommittee on the justice system and the legislative
24 9 services agency, detailing the study by January 15, 2010.

24 10 The bill requires the department of corrections to
24 11 implement a centralized pharmacy during the fiscal year
24 12 beginning July 1, 2009.

24 13 Under the bill, a contract is not required for improvements
24 14 at a state institution where the labor of inmates is used and
24 15 the estimated cost of the improvement does not exceed \$50,000.
24 16 Currently, an improvement using inmate labor shall not exceed
24 17 \$25,000.

24 18 The bill provides that the department of corrections may
24 19 reallocate appropriated funds between the institutions of the
24 20 department of corrections, the department's administration,
24 21 and the judicial district departments of correctional
24 22 services. The bill provides the department, prior to the
24 23 effective date of any reallocation, must provide notice to the
24 24 department of management, the legislative services agency, and
24 25 the district board of any judicial district department of

24 26 correctional services affected by the reallocation.
24 27 The bill provides that as a condition of receiving an
24 28 appropriation, the fifth judicial district department of
24 29 correctional services shall reinstate 67 beds in buildings 65
24 30 and 66 at the Fort Des Moines facility, in addition to
24 31 maintaining the 199 beds in buildings 68 and 70 at the Fort
24 32 Des Moines facility.
24 33 The bill amends Code section 13B.4 to allow the state
24 34 public defender to enter into a contract with an attorney
24 35 designating that the attorney provide legal services to
25 1 eligible indigent persons as the state public defender's
25 2 designee. Under the bill, if the state public defender files
25 3 such a designation in a county, the attorney shall be
25 4 appointed by the court to represent all eligible indigent
25 5 persons in all cases specified in the designation. Currently,
25 6 only a nonprofit organization is allowed to act as the state
25 7 public defender's designee in a county where such a
25 8 designation exists.
25 9 The bill also amends Code section 13B.4 to specify that the
25 10 state public defender may deny a claim for indigent defense
25 11 fees and expenses if the attorney was appointed contrary to
25 12 the provisions of Code section 815.10. The bill also
25 13 specifies that the state public defender may deny a claim for
25 14 indigent defense fees and expenses if the appointment of the
25 15 attorney is not on a rotational basis, considering the
25 16 experience of the attorney and the difficulty of the case.
25 17 The bill addresses Code section 80B.11B to provide that for
25 18 FY 2009=2010 the Iowa law enforcement academy may charge a
25 19 department of the state, a member of a police force, or any
25 20 political subdivision of the state more than one=half of the
25 21 cost to provide the basic training course for a law
25 22 enforcement officer, provided a majority of the Iowa law
25 23 enforcement council approves such a charge. Current law
25 24 prohibits the Iowa law enforcement academy from charging more
25 25 than one=half of the cost of providing the basic training
25 26 course.
25 27 The bill also appropriates moneys, not to exceed \$200,000,
25 28 from the wireless E911 emergency communications fund to the

25 29 homeland security and emergency management division for
25 30 implementation, support, and maintenance of the functions of
25 31 the administrator and program manager of the E911 emergency
25 32 system.

25 33 The bill provides that the department of public safety may
25 34 reallocate the funds appropriated to the department between
25 35 the divisions of the department. The bill provides that the
26 1 department, prior to the effective date of any reallocation,
26 2 must provide notice of the reallocation to the department of
26 3 management and the legislative services agency.

26 4 The bill allows the commission on civil rights to provide
26 5 farm mediation services.

26 6 LSB 1005JB 83

26 7 jm/jp/24

Summary Data

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Justice System	\$ 521,542,555	\$ 533,858,575	\$ 515,415,043	\$ -18,443,532	
Grand Total	<u><u>\$ 521,542,555</u></u>	<u><u>\$ 533,858,575</u></u>	<u><u>\$ 515,415,043</u></u>	<u><u>\$ -18,443,532</u></u>	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Justice, Department of</u>					
Justice, Dept. of					
General Office A.G.	\$ 9,485,145	\$ 9,359,691	\$ 8,592,145	\$ -767,546	PG 1 LN 7
Victim Assistance Grants	150,000	147,750	2,400,000	2,252,250	PG 1 LN 21
Legal Services Poverty Grants	2,000,000	1,970,000	1,954,634	-15,366	PG 2 LN 4
Farm Mediation Services	300,000	289,457	0	-289,457	
Total Justice, Dept. of	\$ 11,935,145	\$ 11,766,898	\$ 12,946,779	\$ 1,179,881	
Consumer Advocate					
Consumer Advocate	\$ 3,374,466	\$ 3,028,549	\$ 2,809,606	\$ -218,943	PG 3 LN 1
Total Justice, Department of	\$ 15,309,611	\$ 14,795,447	\$ 15,756,385	\$ 960,938	
<u>Civil Rights Commission</u>					
Civil Rights Commission					
Civil Rights Commission	\$ 1,504,036	\$ 1,545,232	\$ 1,533,179	\$ -12,053	PG 19 LN 15
Total Civil Rights Commission	\$ 1,504,036	\$ 1,545,232	\$ 1,533,179	\$ -12,053	
<u>Corrections, Dept. of</u>					
CBC District 1					
CBC District I	\$ 12,706,033	\$ 13,300,372	\$ 12,883,094	\$ -417,278	PG 9 LN 28
CBC District 2					
CBC District II	\$ 10,080,108	\$ 11,053,717	\$ 10,843,473	\$ -210,244	PG 10 LN 1
CBC District 3					
CBC District III	\$ 5,903,401	\$ 6,104,703	\$ 5,718,746	\$ -385,957	PG 10 LN 4
CBC District 4					
CBC District IV	\$ 5,419,406	\$ 5,603,984	\$ 5,436,248	\$ -167,736	PG 10 LN 7
CBC District 5					
CBC District V	\$ 18,401,003	\$ 19,232,705	\$ 18,958,665	\$ -274,040	PG 10 LN 10
CBC District 6					
CBC District VI	\$ 12,675,246	\$ 14,273,011	\$ 13,417,533	\$ -855,478	PG 10 LN 23
CBC District 7					
CBC District VII	\$ 7,020,794	\$ 7,265,034	\$ 6,995,044	\$ -269,990	PG 10 LN 26

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
CBC District 8					
CBC District VIII	\$ 6,998,544	\$ 7,109,164	\$ 6,919,964	\$ -189,200	PG 10 LN 29
Central Office					
County Confinement	\$ 1,199,954	\$ 967,983	\$ 861,213	\$ -106,770	PG 5 LN 10
Federal Prisoners/ Contractual	241,293	241,293	239,411	-1,882	PG 5 LN 15
Corrections Administration	5,050,732	5,047,861	4,810,048	-237,813	PG 5 LN 27
Corrections Education	1,570,358	1,570,358	1,558,109	-12,249	PG 6 LN 30
Iowa Corrections Offender Network	427,700	427,700	424,364	-3,336	PG 7 LN 29
Mental Health/Substance Abuse	25,000	24,994	24,799	-195	PG 7 LN 32
Hepatitis Treatment and Education	188,000	188,000	186,534	-1,466	PG 7 LN 35
Transitional Housing - Comm. Based	30,000	0	0	0	
Total Central Office	\$ 8,733,037	\$ 8,468,189	\$ 8,104,478	\$ -363,711	
Fort Madison					
Ft. Madison Institution	\$ 44,512,509	\$ 44,737,908	\$ 41,114,692	\$ -3,623,216	PG 3 LN 21
Anamosa					
Anamosa Institution	\$ 30,656,614	\$ 31,548,089	\$ 31,413,895	\$ -134,194	PG 3 LN 29
Oakdale					
Oakdale Institution	\$ 56,204,468	\$ 59,219,891	\$ 58,646,095	\$ -573,796	PG 4 LN 12
Newton					
Newton Institution	\$ 27,841,158	\$ 28,372,772	\$ 28,033,393	\$ -339,379	PG 4 LN 16
Mt Pleasant					
Mt. Pleasant Inst.	\$ 26,331,092	\$ 27,430,137	\$ 27,216,182	\$ -213,955	PG 4 LN 20
Rockwell City					
Rockwell City Institution	\$ 9,108,454	\$ 9,466,021	\$ 9,392,186	\$ -73,835	PG 4 LN 24
Clarinda					
Clarinda Institution	\$ 25,078,365	\$ 25,526,358	\$ 23,421,051	\$ -2,105,307	PG 4 LN 28
Mitchellville					
Mitchellville Institution	\$ 15,878,663	\$ 16,126,292	\$ 15,836,794	\$ -289,498	PG 5 LN 2
Fort Dodge					
Ft. Dodge Institution	\$ 29,773,151	\$ 30,313,681	\$ 29,999,036	\$ -314,645	PG 5 LN 6
Total Corrections, Dept. of	\$ 353,322,046	\$ 365,152,028	\$ 354,350,569	\$ -10,801,459	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Inspections & Appeals, Dept. of</u>					
Public Defender					
Public Defender	\$ 21,749,296	\$ 21,914,112	\$ 21,743,182	\$ -170,930	PG 13 LN 18
Indigent Defense Appropriation	31,282,538	30,365,185	24,009,163	-6,356,022	PG 13 LN 23
Total Inspections & Appeals, Dept. of	\$ 53,031,834	\$ 52,279,297	\$ 45,752,345	\$ -6,526,952	
<u>Law Enforcement Academy</u>					
Law Enforcement Academy					
Law Enforcement Academy	\$ 1,289,562	\$ 1,275,199	\$ 1,166,033	\$ -109,166	PG 13 LN 27
Total Law Enforcement Academy	\$ 1,289,562	\$ 1,275,199	\$ 1,166,033	\$ -109,166	
<u>Parole, Board of</u>					
Parole Board					
Parole Board	\$ 1,256,273	\$ 1,251,903	\$ 1,161,399	\$ -90,504	PG 14 LN 26
Total Parole, Board of	\$ 1,256,273	\$ 1,251,903	\$ 1,161,399	\$ -90,504	
<u>Public Defense, Dept. of</u>					
Public Defense, Dept. of					
Public Defense, Department of	\$ 6,311,985	\$ 6,361,947	\$ 6,249,201	\$ -112,746	PG 15 LN 7
Emergency Management Division					
Homeland Security & Emer. Mgmt.	\$ 2,271,581	\$ 2,212,722	\$ 2,038,119	\$ -174,603	PG 15 LN 19
Total Public Defense, Dept. of	\$ 8,583,566	\$ 8,574,669	\$ 8,287,320	\$ -287,349	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Public Safety, Department of</u>					
<u>Public Safety, Dept. of</u>					
Public Safety Administration	\$ 4,180,033	\$ 4,470,414	\$ 4,391,190	\$ -79,224	PG 16 LN 8
Public Safety DCI	21,729,482	21,506,406	21,125,270	-381,136	PG 16 LN 13
DCI - Crime Lab Equipment/Training	342,000	342,000	335,939	-6,061	PG 17 LN 18
Narcotics Enforcement	6,315,289	6,501,493	6,386,274	-115,219	PG 17 LN 21
Public Safety Undercover Funds	123,343	123,343	121,158	-2,185	PG 17 LN 31
DPS Fire Marshal	3,328,952	4,060,859	3,988,892	-71,967	PG 17 LN 34
Iowa State Patrol	50,210,762	50,971,409	50,068,094	-903,315	PG 18 LN 10
DPS/SPOC Sick Leave Payout	316,179	316,179	310,575	-5,604	PG 18 LN 25
Fire Fighter Training	699,587	692,697	680,421	-12,276	PG 18 LN 30
Total Public Safety, Department of	\$ 87,245,627	\$ 88,984,800	\$ 87,407,813	\$ -1,576,987	
Total Justice System	\$ 521,542,555	\$ 533,858,575	\$ 515,415,043	\$ -18,443,532	

Summary Data

FTE

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Justice System	1,814.79	1,900.08	1,907.60	7.52	
Grand Total	1,814.79	1,900.08	1,907.60	7.52	

NOTE: The FTE positions in the Estimated Net FY 2009 column reflect the authorized FTE positions in the final legislative action of the FY 2009 appropriations Act.

Justice System

FTE

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Justice, Department of</u>					
Justice, Dept. of					
General Office A.G.	203.79	226.50	232.50	6.00	PG 1 LN 7
Victim Compensation Fund	21.75	22.00	22.00	0.00	PG 1 LN 32
Total Justice, Dept. of	<u>225.53</u>	<u>248.50</u>	<u>254.50</u>	<u>6.00</u>	
Consumer Advocate					
Consumer Advocate	21.42	27.00	27.00	0.00	PG 3 LN 1
Total Justice, Department of	<u>246.95</u>	<u>275.50</u>	<u>281.50</u>	<u>6.00</u>	
<u>Civil Rights Commission</u>					
Civil Rights Commission					
Civil Rights Commission	29.29	29.00	29.50	0.50	PG 19 LN 15
Total Civil Rights Commission	<u>29.29</u>	<u>29.00</u>	<u>29.50</u>	<u>0.50</u>	
<u>Inspections & Appeals, Dept. of</u>					
Public Defender					
Public Defender	199.34	203.00	203.00	0.00	PG 13 LN 18
Total Inspections & Appeals, Dept. of	<u>199.34</u>	<u>203.00</u>	<u>203.00</u>	<u>0.00</u>	
<u>Law Enforcement Academy</u>					
Law Enforcement Academy					
Law Enforcement Academy	26.41	30.05	29.55	-0.50	PG 13 LN 27
Total Law Enforcement Academy	<u>26.41</u>	<u>30.05</u>	<u>29.55</u>	<u>-0.50</u>	
<u>Parole, Board of</u>					
Parole Board					
Parole Board	13.37	18.50	18.50	0.00	PG 14 LN 26
Total Parole, Board of	<u>13.37</u>	<u>18.50</u>	<u>18.50</u>	<u>0.00</u>	
<u>Public Defense, Dept. of</u>					
Public Defense, Dept. of					
Public Defense, Department of	291.98	306.43	313.30	6.87	PG 15 LN 7

Justice System

FTE

	Actual FY 2008	Estimated Net FY 2009	Senate Subcom FY 2010	Senate Sub vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Emergency Management Division					
Homeland Security & Emer. Mgmt.	51.51	35.10	29.75	-5.35	PG 15 LN 19
Total Public Defense, Dept. of	<u>343.49</u>	<u>341.53</u>	<u>343.05</u>	<u>1.52</u>	
<u>Public Safety, Department of</u>					
Public Safety, Dept. of					
Public Safety Administration	37.74	39.00	39.00	0.00	PG 16 LN 8
Public Safety DCI	275.58	286.50	287.50	1.00	PG 16 LN 13
Narcotics Enforcement	74.30	82.00	81.00	-1.00	PG 17 LN 21
DPS Fire Marshal	40.60	59.00	59.00	0.00	PG 17 LN 34
Iowa State Patrol	527.71	536.00	536.00	0.00	PG 18 LN 10
Total Public Safety, Department of	<u>955.94</u>	<u>1,002.50</u>	<u>1,002.50</u>	<u>0.00</u>	
Total Justice System	<u>1,814.79</u>	<u>1,900.08</u>	<u>1,907.60</u>	<u>7.52</u>	